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Counsel for Parties.

we have no occasion at this time to express an opinion. Still less do we say that the plaintiffs have not an efficient remedy in some court either against the defendant corporation, or against the several individuals who, under its sanction, or by its authority, are maintaining in Tennessee the nuisance complained of. We only mean to say—and cannot properly go further in this case—that the statute in question does not cover this particular case, and that the United States Circuit Court, sitting in Tennessee—the New Jersey company refusing to voluntarily appear in the suit as a defendant—is without jurisdiction to give the plaintiffs, citizens of New York and West Virginia, the particular relief asked against that corporation.

The bill was properly dismissed for want of jurisdiction in the Circuit Court and the decree below is

Affirmed.

WETMORE v. TENNESSEE COPPER COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF TENNESSEE.

No. 500. Motion to dismiss appeal. Submitted October 11, 1910.—
Decided November 28, 1910.

Ladew v. Tennessee Copper Company, ante, p. 357, followed to effect that the Circuit Court of the United States did not have jurisdiction of this case.

THE facts, which involve the jurisdiction of the Circuit Court, are stated in the opinion.

Mr. Charles Seymour for appellant.

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Mr. Howard Cornick, Mr. John H. Frantz and Mr. Martin Vogel for appellee.

MR. JUSTICE HARLAN delivered the opinion of the court.

The plaintiff, George Peabody Wetmore, a citizen of Rhode Island, is the owner in fee and in possession of large tracts of land, valuable for timber, farming and residence purposes, in Polk County, Eastern District of Tennessee. The defendants are the same corporations as those mentioned in *Ladew &c. v. Tennessee Copper Co.*, decided, *ante*, p. 357.

The plaintiff, after setting out substantially the same facts as those stated in the *Ladew* case in reference to the conduct by each defendant of its business and to the injury done to his lands by the mode in which that business is conducted, seeks the same relief as to his lands in Tennessee as that asked by the plaintiffs in the other case as to their lands in Georgia. Each defendant appeared specially—the defendant, Tennessee Copper Company, for the purpose of objecting to the jurisdiction of the Circuit Court of the United States sitting in Tennessee, to give the relief asked by the bill against it, and the British corporation for the purpose of moving to dismiss the bill because of misjoinder of parties, and because of want of jurisdiction in that court to sustain an action against it in Tennessee for the wrong alleged to have been done to the present plaintiffs.

The Circuit Court dismissed the bill as to the Tennessee Copper Company, but overruled the motion to dismiss the bill as to the British corporation, the court being of the opinion that it had jurisdiction of the latter corporation. From that decree, so far as it related to the Tennessee Copper Company, Wetmore appealed to this court. In conformity with § 5 of the act of Congress of March 3, 1891, c. 517, 26 Stat. 826. the question of

jurisdiction was certified by the Circuit Court to this court.

On the authority of *Ladew v. Tennessee Copper Company*, ante, p. 357, the decree of the court below must be affirmed.

It is so ordered.

MONTEZUMA CANAL COMPANY v. SMITHVILLE
CANAL COMPANY.

APPEAL FROM THE SUPREME COURT OF THE TERRITORY OF
ARIZONA.

No. 1. Argued October 21, 24, 1910.—Decided November 28, 1910.

Where the trial court makes findings of facts and states conclusions of law thereon but certifies no rulings in respect of evidence, and the Supreme Court of the Territory enters a general judgment of affirmance, manifestly based upon the correctness of such findings of fact, they furnish a sufficient statement for the appeal; and, in this court, the question is whether they are sufficient to support the decree. *Stringfellow v. Cain*, 99 U. S. 610.

Notwithstanding there may have been a prior appropriation of water, if the rights of appropriators were adjudicated in a suit of which the parties had notice, the judgment in that suit may be pleaded as *res judicata* in a subsequent suit to determine the rights of appropriators, and the amount awarded to an appropriator by judgment in the first suit cannot be reduced.

The fact that it is within the legislative power to provide administrative machinery to supervise the common use of water, does not render invalid the decree of a court providing such machinery to carry out a particular decree if the court deems it necessary and proper so to do.

As the laws of Arizona authorize the Supreme Court to cause its judgments to be carried into execution, that court does not transcend its authority in appointing a commissioner to supervise the